

**Minutes of Meeting  
BOARD FOR CONTRACTORS  
INFORMAL FACT-FINDING CONFERENCES  
January 31, 2006 (9:00 a.m.)**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Jeffrey Modisett, Board member, presided. No other Board members were present.

Jeffrey W. Buckley and Amy Chappell appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case

Lic = Licensing Application

RF = Recovery Fund Claim

Trades = Tradesmen Disciplinary Case/Application

C = Complainant/Claimant

A = Applicant

R = Respondent/Regulant

W = Witness

Atty = Attorney

Participants

- |  |  |
|--|--|
| 1. Mark Kenneth Birt<br>File Number 2005-03668 (Disc)<br>(NO DECISION MADE)                          | James Hammill – C  |
| 2. Jarrett H Lathers<br>t/a JL Contracting<br>File Number 2005-01992 (Disc)                          | Lathers – R  |
| 3. John M Lloyd<br>t/a Mountain View Plumbing<br>File Number 2005-03758 (Disc)<br>(NO DECISION MADE) | Bradley Chamberlain – C<br>Carla Chamberlain – C<br>Kenneth Fox – W                      |
| 4. JSC Concrete Construction Inc.<br>File Number 2005-00838 (Disc)<br>(NO DECISION MADE)             | Antonio Pires – R<br>Glenn Silver – R Atty<br>Michael Anderson – C<br>John Cerqueria – W |
| 5. Donnie R. Jennings<br>File Number 2005-04008 (Disc)<br>(NO DECISION MADE)                         | James Aston – C<br>Rena Aston – C  |

6. USA Remediation Services Inc.  
File Number 2005-02171 (Disc)  
(NO DECISION MADE)

None

The meeting adjourned at 4:30 p.m.

#### BOARD FOR CONTRACTORS

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Mark D. Kinser, Chairman

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Louise Fontaine Ware, Secretary

#### COPY TESTE:

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Custodian of Records

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

Re: Jarrett H Lathers, t/a JI Contracting  
Fredericksburg, VA 22404

File Number 2005-01992  
License Number 2705074522

**CONSENT ORDER**

Respondent Jarrett H Lathers, t/a JI Contracting ("Jarrett H Lathers") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws.

**Board's 2003 Regulations provides:**

**18 VAC 50-22-200. Remedial education, revocation or suspension; fines.**

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.

Pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended:

On November 17, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Jarrett H. Lathers ("Lathers"), t/a J L Contracting, to 5 Heritage Court, Fredericksburg, Virginia, 22407. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The Notice was returned by the United States Postal Service marked "Unclaimed".

On December 14, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Jeffrey W. Buckley, Staff Member; and Ruth Ann Wall, Presiding Officer. Neither Jarrett Lathers, Respondent, nor anyone on his behalf appeared at the IFF.

On December 30, 2005, a letter reconvening the IFF Conference was mailed, via certified mail, to Lathers to the address of record. The letter included a complete copy of the agency record. The certified mail was signed for and received.

The following individuals participated at the reconvened January 31, 2006, IFF: Jarrett Lathers, Respondent; Jeffrey W. Buckley, Staff Member; and Jeffrey Modisett, Board Member.

The Amended Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and Jarrett H Lathers, as evidenced by the signatures affixed below, enter into this Consent Order. Jarrett H Lathers knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

By signing this Consent Order, Jarrett H Lathers acknowledges an understanding of the charges and hereby admits to the violation(s) of the Counts as outlined in the Amended Report of Findings. Jarrett H Lathers consents to the following term(s):

	Count 1	18 VAC 50-22-260.B.9	\$100.00
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	TOTAL MONETARY PENALTIES		\$100.00

In addition, for violation of Count 1, Jarrett H Lathers agrees to provide a copy of his current contract within thirty (30) days of the effective date of this order.

In addition, for violation of Count 1, Jarrett H Lathers agrees to successfully complete remedial education by attending the Board's contracting license class and passing the examination within six (6) months of the effective date of this order.

Jarrett H Lathers also agrees to pay \$150.00 in Board costs.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Jarrett H Lathers acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Jarrett H Lathers will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**Jarrett H Lathers acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Jarrett H Lathers's license until such time as there is compliance with all terms of this Order. Jarrett H Lathers understands the right to have this automatic suspension considered in an IFF pursuant to the**

**Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

The effective date of this Order shall be the date of execution by the Board.

DRAFT

SEEN AND AGREED TO:

\_\_\_\_\_  
Jarrett H Lathers  
t/a JI Contracting

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title of Person Signing on behalf of Entity

\_\_\_\_\_  
CITY/COUNTY OF  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Board for Contractors

BY: \_\_\_\_\_  
Louise Fontaine Ware, Secretary

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VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATION DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

AMENDED  
REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: August 26, 2005 (revised November 16, 2005 and  
amended January 31, 2006)  
  
FILE NUMBER: 2005-01992  
RESPONDENT: Jarrett H. Lathers, t/a JL Contracting  
LICENSE NUMBER: 2705074522  
EXPIRATION: June 30, 2005  
  
SUBMITTED BY: Investigator Christopher Dodson  
APPROVED BY: Assistant Director Janet Creamer

COMMENTS:

This case was transferred from Investigator Wayne Ozmore to Investigator Christopher Dodson on July 26, 2005.

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Jarrett H. Lathers ("Lathers"), t/a JL Contracting, was at all times material to this matter a licensed Class C contractor in Virginia (No. 2705074522).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On November 3, 2004 the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a forwarded complaint from the Department of Consumer Services from Frank J. Donlan ("Donlan") regarding Lathers. (Exh. C-1)

On May 1, 2004, Lathers entered into a written contract, in the amount of \$1100.00, with Donlan to scrape, prime, and paint the garage, vents, two bay windows, front door frame and door with full caulking and new wood replacement, along with new plates and locks, at 11 Wexwood Court, Stafford, VA 22554. (Exh. C-1, C-2)

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1. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:
  - a. When work is to begin and the estimated completion date;
  - e. A statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning;
  - h. Contractor's name, address, license number, expiration date, class of license, and classifications or specialty services; and
  - i. Statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.

FACTS:

The contract used by Lathers in the transaction failed to contain subsections: a., e., h., and i. (Exh C-2)